

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

Commonwealth of Virginia

Criminal No. 102888

v.

Lee Boyd Malvo a/k/a

John Lee Malvo,

Defendant.

**JOINT MOTION TO ALLOW
STILL PHOTOGRAPHY AT TRIAL AND PRETRIAL PROCEEDINGS**

Media General Operations, Inc., t/a *Richmond Times-Dispatch*, the Associated Press and the Virginia Press Association, by counsel, respectfully move the Court: (1) for leave to intervene in this case for the limited purpose of requesting access to the pretrial and trial proceedings by a still photographer, and (2) for entry of an order pursuant to Virginia Code § 19.2-266 permitting still photography at the pretrial and trial proceedings in this case.

Respectfully submitted,

Media General Operations, Inc.
t/a *Richmond Times-Dispatch*
The Associated Press
The Virginia Press Association

By Counsel

Craig T. Merritt (VSB # 20281)
Christian & Barton, L.L.P.
909 East Main Street, Suite 1200
Richmond, Virginia 23219
804-697-4100 – Telephone
804-697-4112 – Facsimile

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Joint Motion to Allow Still Photography at Trial and Pretrial Proceedings was sent by facsimile and first class mail this 5th day of February, 2003 to:

Robert F. Horan, Jr., Esq.
Commonwealth's Attorney
4110 Chain Bridge Road
Fairfax, Virginia 22030

Michael S. Arif, Esq.
Mark J. Petrovich, Esq.
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Martin, Arif, Petrovich & Walsh
8001 Braddock Road
Springfield, Virginia 22151

Craig S. Cooley, Esq.
3000 Idlewood Avenue
Richmond, Virginia 23221

Craig T. Merritt

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**MEMORANDUM IN SUPPORT OF JOINT MOTION TO ALLOW
STILL PHOTOGRAPHY AT TRIAL AND PRETRIAL PROCEEDINGS**

Media General Operations, Inc., t/a *Richmond Times-Dispatch* ("*Times-Dispatch*"), the Associated Press ("AP") and the Virginia Press Association ("VPA") submit this memorandum in support of their joint motion to allow still photography during the pretrial and trial proceedings in this case.

The interests of the movants are as follows:

- The *Times-Dispatch* is a daily newspaper published in Richmond, Virginia, which covers matters of local and statewide interest. It is published by Media General Operations, Inc., a subsidiary of Media General, Inc., which owns 26 television stations, 25 daily newspapers, and nearly 100 other periodicals, published primarily in the southeastern United States.
- AP is a cooperative, not-for-profit organization owned by its 1,550 United States daily newspaper members. More than a billion people daily read, hear or see AP news.
- VPA is a not-for-profit trade association, serving the interests of its 28 daily and 172 weekly newspaper members in the Commonwealth of Virginia. VPA is

designated by Virginia law as the coordinator of still photography coverage of courts in Virginia.

These parties join with other interested news media in seeking photographic coverage of the Malvo proceedings. Other intervenors have addressed the issue of electronic broadcast coverage. This memorandum addresses the request that still photography be allowed during the proceedings.

ARGUMENT

The Court is aware of the nationwide publicity surrounding the arrest of the defendant, Lee Boyd Malvo. The sheer number of media organizations seeking access to these proceedings is a reflection of the intense public interest in Malvo's trial. At the time of trial, he will be an 18-year-old man charged with capital murder. His case has subjected, and will continue to subject, Virginia's judicial system to intense scrutiny. The decisions to prosecute Malvo first in Virginia, and to subject him to the death penalty as an adult, have already spurred nationwide debate.

Malvo will be entitled to the full panoply of procedural and substantive due process protections afforded by the Commonwealth. Clear, accurate and timely information about that process plays a critical public information role. Newspapers have a unique ability to explain and clarify the judicial process, an ability substantially enhanced by photographic images from the courtroom.

The Court's decision on this motion requires application of Virginia Code § 19.2-266, which governs photographic access to courtrooms in Virginia. Prior to 1975, Virginia courts had the ability to exclude any person whose presence might impair the conduct of a fair trial. See Virginia Code § 19.1-246 (1960). In 1975, as part of a general recodification of the criminal procedure title, the General Assembly amended that statute to ban photography and electronic broadcasting from the courtroom. See 1975 Acts of Assembly Chapter 495 at 896 (recodifying

Virginia Code § 19.1-246 as § 19.2-266). In 1987, the General Assembly ended that prohibition on cameras in the courtroom by instituting an experimental program which became law in 1992. See 1987 Acts of Assembly Chapter 580 (establishing pilot program); 1992 Acts of Assembly Chapter 557 (amending § 19.2-266 to allow statewide participation).

The rules in place since 1987 place discretion in the presiding judge “to prohibit, interrupt or terminate electronic media and still photography coverage of public judicial proceedings.” Virginia Code § 19.2-266. In a case where the presiding judge determines coverage is appropriate, she must “advise the parties of such coverage in advance” and give them an opportunity to object. Id. The judge may prohibit coverage, or restrict it as she deems appropriate to meet the ends of justice, where an objecting party establishes good cause for such prohibition or restriction. Id.

The statute contains strict limitations on the subject matter of courtroom photography. For example, it is not permissible to photograph a police informant, a minor, or a juror. Not only does the statute fence off certain subject matters, but it permits only limited intrusion into the courtroom. One still photographer is permitted in the courtroom, using not more than two cameras with two lenses per camera. No distracting lights, such as flash bulbs, and no distracting sounds are permitted. The court may strictly regulate the location of any photographer and his or her equipment. Id.

In addition to the restrictions set forth in the controlling statute, voluntary guidelines have been adopted by the VPA, which address courtroom conduct by photographers and impose an appropriate dress code. (The VPA Still Photography Guidelines are Attachment A to the Affidavit of Perkins A. Gormus, Exhibit 1 to this memorandum).¹ Movants are unaware of any

¹ VPA is designated by statute as the representative of the press for still photography access. VPA appoints a regional coordinator, who in this case is Ray Saunders of the Washington Post, to coordinate pooling arrangements.

circumstance in Virginia where a presiding judge has complained that a still photographer's presence has impeded the trial or prejudiced the rights of any party. See Affidavit of Perkins A. Gormus (attached as Exhibit 1). The statute and the voluntary guidelines, along with careful briefing and supervision of photographers, have ensured that the presence of a still photographer has no effect on the conduct of the trial. It appears that no reported decision of a Virginia court at the trial or appellate level has responded favorably to a defendant's claim that the presence of cameras in the courtroom has prejudiced the fair trial right.²

This case also implicates significant constitutional values protected by the Constitutions of the United States and the Commonwealth of Virginia. Against the strict safeguards described above, the Court must weigh the enormous public good served by photographic access to these proceedings. In *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 100 S.Ct. 2814, 65 L.Ed. 2d 973 (1980), the Supreme Court reaffirmed deeply-entrenched historical and political values that inform the First Amendment right of the public, and the press as its proxy, to have open trials. Those values are presented in this case with particular intensity, and they are well-served by granting photographic access to these proceedings. This Court is surely cognizant of the fact that Virginia's judicial system will be placed under a microscope during Malvo's trial. This very phenomenon was addressed by the Supreme Court in the *Richmond Newspapers* case:

Civilized societies withdraw both from the victim and the vigilante the enforcement of criminal laws, but they cannot erase from people's consciousness the fundamental, natural yearning to see justice done – or even the urge for retribution. The crucial prophylactic aspects of the administration of justice cannot function in the dark; no community catharsis can occur if justice is “done in a corner [or] in any covert manner.”... It is not enough to say that results alone will satiate the natural community desire for “satisfaction.” A result considered untoward may undermine public confidence, and where the trial has been concealed from public view, an unexpected outcome can cause a reaction that the

² This point is addressed fully in the memoranda submitted by other press and broadcasting movants. See, e.g. Memorandum of Law in Support of Consolidated Motion for Leave to Record and Telecast Proceeding (RTNDA, et al.) at 3-4.

system at best has failed and at worst has been corrupted. To work effectively, it is important that society's criminal process "satisfy the appearance of justice," and the appearance of justice can best be provided by allowing people to observe it.

448 U.S. at 571-72, 65 L.Ed. 2d at 986 (citations omitted). *See also*, *Richmond Newspapers v. Commonwealth*, 222 Va. 574, 585 (1981) (applying same reasoning to find a public access right to suppression hearings under Article I, Section 12 of the Virginia Constitution). Given the close scrutiny of this proceeding by citizens and commentators around the nation, a decision to refuse cameras in the courtroom may itself send a signal that Virginia prefers justice in the dark. The undersigned parties, who report daily on the judicial process in Virginia, know that secrecy is not a hallmark of justice in this state. Allowing readers throughout Virginia and in other states where Malvo lived or traveled to obtain appropriate and accurate images of the trial proceedings will not only give those citizens a better understanding of the proceedings—it will send a strong message that there is nothing here to be hidden.

There is no rational basis to distinguish the constitutional access right of a citizen who lives within walking distance of the courthouse from that of a citizen with an equally strong interest in the case who is following it from afar. Simply put, Malvo's former neighbors in the State of Washington stand on the same constitutional footing as the citizens of Fairfax County for purposes of court access. This Court should be vigilant to ensure that, consistent with a fair and orderly proceeding, those citizens with a genuine interest in this case should have their access right rendered meaningful by any reasonable means, including the availability of photographic images from the courtroom. To deny those citizens the opportunity, through the press, to have the fullest possible understanding of these proceedings, including photographic images, is an arbitrary act.

There is no good cause in this case to deny still photography. Guidelines are in place, which remain under the Court's supervision throughout the proceedings, to ensure that the taking of photographs is neutral in terms of due process. Moreover, this case involves able and experienced attorneys who will neither be awed by the camera nor induced to act in anything other than a professional manner. The defendant will be 18 years of age, a legal adult being tried as an adult for a serious crime. No suggestion has been made that he, or that any witness who might be called, will be influenced or adversely affected by the presence of a single photographer in the courtroom.

High profile cases can cause significant discomfort for the Court and its personnel. There is the ever present concern that a trial will become a "media circus," somehow encouraged by the presence of a camera in the courtroom. Movants believe that those concerns are nil in the case of still photography. What will ultimately control is the simple decision by this Court to ensure that all parties involved in the proceeding—counsel, witnesses, and reporters and photographers—behave with dignity. In truth, any aspects of public information about these proceedings that will be undignified or unseemly will take place beyond the reach of this Court. They will occur notwithstanding the decision to allow a camera in the courtroom. The only effect of disallowing a photographer will be to undermine the ability of those who seek to publish a full, fair and accurate description of the trial to counter any misinformation which may be abroad.

CONCLUSION

For these reasons, the undersigned parties respectfully request that the Court exercise its discretion to permit a still photographer, pursuant to appropriate guidelines, to attend and photograph the trial and pretrial proceedings in this case.

Respectfully submitted,

Media General Operations, Inc.
t/a *Richmond Times-Dispatch*
The Associated Press
The Virginia Press Association

By Counsel

Craig T. Merritt (VSB # 20281)
Christian & Barton, L.L.P.
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3000 Idlewood Avenue
Richmond, Virginia 23221

✓ Craig T. Merritt



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Lee Boyd Malvo a/k/a)	
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)	
Defendant.)	

AFFIDAVIT

Commonwealth of Virginia

City of Richmond

I, Perkins A. Gormus, being first duly sworn, depose and say:

1. My name is Perkins A. Gormus. I am 63 years old, and have personal knowledge of the facts set forth in this affidavit.
2. I am presently employed at the *Richmond Times-Dispatch* as Director of Photography/Photo Editor. I have held that position since 1977.
3. I have been directly involved in photographic coverage of Virginia courts since 1989.
4. I am presently the Virginia Press Association's Regional Coordinator for cameras in the courtroom in the 12th, 13th and 14th Judicial Circuits, covering the Richmond metropolitan area and surrounding counties. I have held this position since 1989.
5. VPA publishes and distributes to its members Still Photography Guidelines for cameras in the courtroom. A true copy of those guidelines is attached to this affidavit as Attachment A. These Guidelines are considered binding on all VPA

STILL PHOTOGRAPHY GUIDELINES

Virginia Press Association
11529 Nickols Road
Glen Allen, VA 23059
Phone: (804) 521-7570
Fax: (804) 521-7590; (800) 849-8717
E-mail: Billa@vpa.net

VIRGINIA PRESS ASSOCIATION
Effective Since July 1994

CAMERAS IN THE COURTROOM
STILL PHOTOGRAPHY GUIDELINES

INTRODUCTION

Virginia State Code Section 192-266 states, "A court may solely in its discretion permit the taking of photographs in the courtroom during progress of judicial proceedings," The law allows for statewide access and requires cooperation and coordination between newspapers. Virginia Press Association, by law, may designate one person to represent still photographers in each jurisdiction. The names of these coordinators shall be forwarded to the chief judge of the court in the county or city in which the coverage is desired so that arrangements can be made for the pooling of equipment and personnel. Coordinators are the only persons authorized to speak for the media to the presiding judge concerning coverage of any judicial proceeding.

The presiding judge at all times has the authority to prohibit, interrupt or terminate photographic coverage of judicial proceedings. Attorneys for litigants have the right at the commencement of any proceeding to object to photographic coverage. The presiding judge may prohibit or restrict coverage in any case for any reason as the judge deems appropriate.

Under these guidelines, courtroom photography is cooperative. It is essential that any disputes or disagreements with pool participation, operation or broadcast representatives be resolved within the VPA structure. Disputes should be resolved at the local level by the VPA coordinator and the Virginia Association of Broadcasters coordinator. Further disputes should be resolved by the VPA executive manger.

To facilitate that cooperation, ensure full access to the courts and ensure full access by newspapers and news services to the photography produced by pool photographers in the courtrooms, the following guidelines have been adopted by the Virginia Press Association Board of Directors to govern pool operations:

POOL ELIGIBILITY AND ACCESS

- 1) By law the VPA is the governing body for still photographers. Only Virginia newspapers and news services are eligible for pool participation. In all cases, local photographers have priority over out-of-town media for pool access. In cases with state wide interest, photographers who regularly cover Virginia are considered 'local.'
- 2) Any newspaper or news service wishing to cover a courtroom proceeding will provide the required advance notice to the court and the coordinator (in writing if required by the court, using the attached form approved by the Virginia Supreme Court or a similar form approved by a local court). Some jurisdictions have agreed to 24-hour notice while others require 10 days. The best procedure is the earlier the better.

- 3) In the event more than one newspaper wishes to participate in the photographic pool coverage of a courtroom proceeding, the court shall refer the second and all subsequent requests to the coordinator. The coordinator will facilitate pool coverage and will be the sole contact with the judge.
- 4) Only photographers who are assigned by a newspaper or news service will be allowed access to the courtroom. Photographers must demonstrate to all other members of the pool the ability to produce professional quality photographs delivered on a timely basis.
- 5) Any photographer or newspaper which fails to comply fully with the terms and conditions of this VPA policy, or violates the terms of the law, or does not conform with the standards, rulings and procedures of the judge in the particular courtroom, shall be refused admission to the photographic pool for the duration of that particular trial.

COORDINATOR RESPONSIBILITIES

- 1) The VPA coordinator must act impartially in making arrangements with the court, show no favoritism to the photographer's employer and no antagonism toward any competitor. Moreover, the coordinator must look out for the interest of all pool participants, especially newspapers which do not belong to a news service.

- 2) The coordinator shall implement a mutually agreed upon rotation. Otherwise, the rotation shall be determined by the drawing of names at least 24 hours prior to the court date to allow the notification of the court. The rotation shall be followed throughout the course of the trial. Photographers can be substituted with the verbal consent of the coordinator and other participants.
- 3) The coordinator shall make sure that no costs of coverage shall be borne by the Commonwealth of Virginia. All cost of coverage rests with interested newspapers and news services. In the case of court proceedings with wide interest, the coordinator will arrange for a central processing facility where pool participants are to divide those responsibilities.

PHOTOGRAPHY RULES

- 1) **APPROPRIATE DRESS.** For men a coat and tie, no jeans, sneakers or hats. For women, a business suit or a dress, no jeans, sneakers or hats.
- 2) No distracting sounds should be permitted. Not more than one still photographer, using not more than two still cameras with not more than two lenses for each camera and related equipment shall be permitted in the courtroom.

FLASH EQUIPMENT CANNOT BE USED IN ANY COURTROOM. A request by the presiding judge for a demonstration of the equipment must be complied with.

- 3) Color negative film will be used to give the option of color or B&W coverage. Photographers must use predesignated film. If no pool has been formed the photographer is free to use any type of film.
- 4) The photographer must remain in predesignated position for the duration of the day's proceedings. The Court allows **NO MOVEMENT** during the proceedings. All film shipments, etc. shall be done during breaks and recesses only.
- 5) The pool photographer is responsible to fulfill all the photographic needs of all pool participants and **MUST NOT** abandon their position without the prior consent of the coordinator and all participants.

VPA Coordinators

<u>Judicial Circuits</u>	<u>Coordinator</u>	<u>Judicial Circuits</u>	<u>Coordinator</u>
1, 2, 3 & 4	David Hollingsworth The Virginian-Pilot Phone: (800) 446-2004 Fax: (757) 222-5814	11	Jamie Snyder Jones The Progress-Index Phone: (804) 732-3456 Fax: (804) 861-9452
5	Andy Prutosk Suffolk News-Herald Phone: (757) 539-3437 Fax: (757) 539-8804	12, 13 & 14	Perk Gormus Richmond Times Dispatch Phone: (804) 649-6541 Fax: (804) 775-8059
6	Ron O'Brien The Hopewell News Phone: (804) 458-8511 Fax: (804) 458-7556	15	Dick Hammerstrom The Free Lance-Star Phone: (800) 877-0500 Fax: (540) 373-8450
7, 8 & 9	Dennis Tennant Daily Press Phone: (757) 247-4764 Fax: (757) 245-8618	16	Andrew Shurtleff The Daily Progress Phone: (434) 978-7278 Fax: (434) 978-7252
10	Ken Woodley The Farmville Herald Phone: (434) 392-4151 Fax: (434) 392-6298	17, 18 & 19	Ray Saunders Washington Post Phone: (202) 334-6000 Fax: (202) 334-6815

Judicial Circuits**20****Coordinator**

Michael Kacmarcik
Loudoun Times-Mirror
Phone: (703) 777-1111
Fax: (703) 771-0036

21

Brian Root
Martinsville Bulletin
Phone: (276) 638-8801
Fax: (276) 638-7409

22

Arnold Hendrix
Danville Register & Bee
Phone: (434) 793-2311
Fax: (434) 797-2299

23 & 27

Ron Bell
The Roanoke Times
Phone: (540) 981-3382
Fax: (540) 981-3346

24

Mark Thompson
The News & Advance
Phone: (434) 385-5592
Fax: (434) 385-5538

25

Vincent Lerz
The Daily News Leader
Phone: (540) 885-7281
Fax: (540) 885-1904

Judicial Circuits**26****Coordinator**

Bobby Ford
The Winchester Star
Phone: (540) 667-3200
Fax: (540) 667-0012

28

Bill McKey
Bristol Herald Courier
Phone: (276) 669-2181
Fax: (276) 669-3696

29

Jim Talbert
Richlands News-Press
Phone: (276) 963-1081
Fax: (276) 963-0123

30

Jenay Tate
The Coalfield Progress
Phone: (276) 679-1101
Fax: (276) 679-5922

31

Ellen Mitchell
Potomac News
Phone: (703) 878-8057
Fax: (703) 878-3993

Mother convicted of endangerment

DUI wreck injured infant and her

BY STACY HAWKINS ADAMS
TIMES-DISPATCH STAFF WRITER

Chesterfield County prosecutors convinced jurors yesterday that a 25-year-old woman was irresponsible and negligent last spring when she consumed alcohol and got behind the wheel of a car with her infant in tow.

But defense attorneys said the verdict could lead to a flood of cases against parents in traffic accidents.

"This [could] open up negligence to parents in all traffic matters," said

sented Vicki L. Mosby yesterday. Mosby, of the 11900 block of River Road, was found guilty of child endangerment.

Jurors deliberated 45 minutes before delivering the verdict, then met for another hour before recommending an 18-month prison sentence. Judge William R. Shelton will pronounce a final sentence on June 20. An appeal is planned.

Mosby and her son George, who was 6 weeks old at the time, were injured May 23, 1994, when the white Subaru she was driving veered off the road and crashed into a cinder-block house in the 11400 block of



LINDY KEAST RODMAN/TIMES-DISPATCH

APPEAL PLANNED. A Chesterfield County jury deliberated 45 minutes before convicting Vicki L. Mosby of

DEATHS

COMPILED FROM NEWS SOURCES

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retired private
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Louis, widow of
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General Supply
War II veteran.
iel, of 1076 St.

Williams, J. Alton, 93, of Richmond, widower of Mildred S. Williams.

VIRGINIA

ABINGDON — Mrs. Gail McKennis **Williamson, 57, an artist, wife of Bob Williamson.**

BURKEVILLE — Tommie Hodges "Chip" **Jenkins, 22, a farmer, husband of Beth K. Jenkins.**

CARRSVILLE — David Campbell **Council Jr., 70, a retired foreman in the Pulp Mill Department of Union Camp Corp. with 47 years of service, a World War II Coast Guard veteran, husband of Margaret Powers Council.**

EMPORIA — Bruce M. **Braswell, 69, a retired carpenter, widower of Gladys B. Braswell.**

HOPEWELL — Kenneth Lee **Bennett, 73, a retired apartment manager and an Army veteran of both World War II and the Korean War, husband of Dorothy A. Bennett.**

MADISON — Clarence Lee **Tussing, 79, a retired farmer.**

NEWSOMS — Mrs. Maria Cutchins **Baugham, 79, a homemaker, widow of George A. Baugham.**

PETERSBURG — Mrs. Ruby Kirkman **Whichard, 81, a retired civilian employee at Fort Lee, wife of William B. Whichard.**

PRINCE GEORGE — Mrs. Elizabeth **Hening Cobb, 58, retired deputy director of supply operations for the former Defense General Supply Center, husband of Charles Wilbur Cobb Jr. ... Mrs. Gladys Ivey Vaughan, 86, a homemaker, widow of Linwood A. Vaughan.**

SOUTH BOSTON — Mrs. Anne Kathryn **Francis, 76, a retired scientific transcriptionist for Johns Hopkins University, widow of Emrys Harry Francis.**

TOANO — Mrs. Linda Cowles **God-din, 85, widow of Nicholas Syme Goddin.**

ELSEWHERE

Fraleigh, Mrs. Mary Lee Pohle, 72, of Layton, Utah, widow of Edward B. Fraleigh.



STUART T. WAGNER/TIMES-DISPATCH

SENTENCED FOR MURDER. Wendy Dey Poarch, 15, went through a variety of emotions yesterday during the court proceeding in which she was sentenced for killing her mother and trying to kill her mother's boyfriend.

Experts relate circumstances behind murder

BY STACY HAWKINS ADAMS

TIMES-DISPATCH STAFF WRITER

Wendy Dey Poarch, a petite Chesterfield County 15-year-old, admitted murdering her mother and could have been sentenced to more than 30 years in prison.

But Chesterfield Circuit Judge Timothy J. Hauler listened to testimony yesterday from a forensic psychologist who explained that Poarch had a love-hate relationship with her mother and had suffered verbal and sexual abuse.

Hauler heard from another psychologist who said an adult women's prison was no place to put a 15-year-old.

A third psychologist explained that Poarch could be rehabilitated in the juvenile justice system.

So as the trembling girl stood before him yesterday, Hauler ordered that she be turned over to the Department of Youth and Family Services until Oct. 25, 2001, for the attempted murder of her mother's boyfriend and using a firearm in the killing of her mother.

For the first-degree murder of her mother, Hauler sentenced Poarch to

girls were 10th graders at Lloyd C. Bird High School.

Shortly after 9 p.m., Poarch walked into the living room and shot her mother in the chest.

Alexander, 38, died a short time later at Medical College of Virginia Hospitals.

Poarch confessed to Chesterfield police Officer M.L. Northington soon after the shooting.

"She stated that [she] and Denise Ardery had become upset with their parents because they would not allow them to go to a football game that night," Northington testified at Poarch's trial.

"(According to Poarch) Denise said she was going to kill her father but Wendy had to kill her mother first," the officer testified.

Poarch told Northington that Denise Ardery took Mr. Ardery's gun from his bedroom and later turned the music up loud.

"(Poarch) walked into the living room and shot her mom. Then Denise attempted to shoot her father," Northington said Poarch told her. "She said the gun just wouldn't go off."

Chesterfield police Detective S.D.

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Taylor's sentence: probation

*Drug charges related
to Richardson incident*

BY DEBORAH KELLY

TIMES-DISPATCH STAFF WRITER

Tammie L. Taylor hopes she's seen the last of her 15 minutes of fame.

"It's not exactly how I wanted to make my debut," said Taylor, who was sentenced to probation yesterday on drug possession charges. "I'm glad it's over . . . anonymity is a beautiful thing."

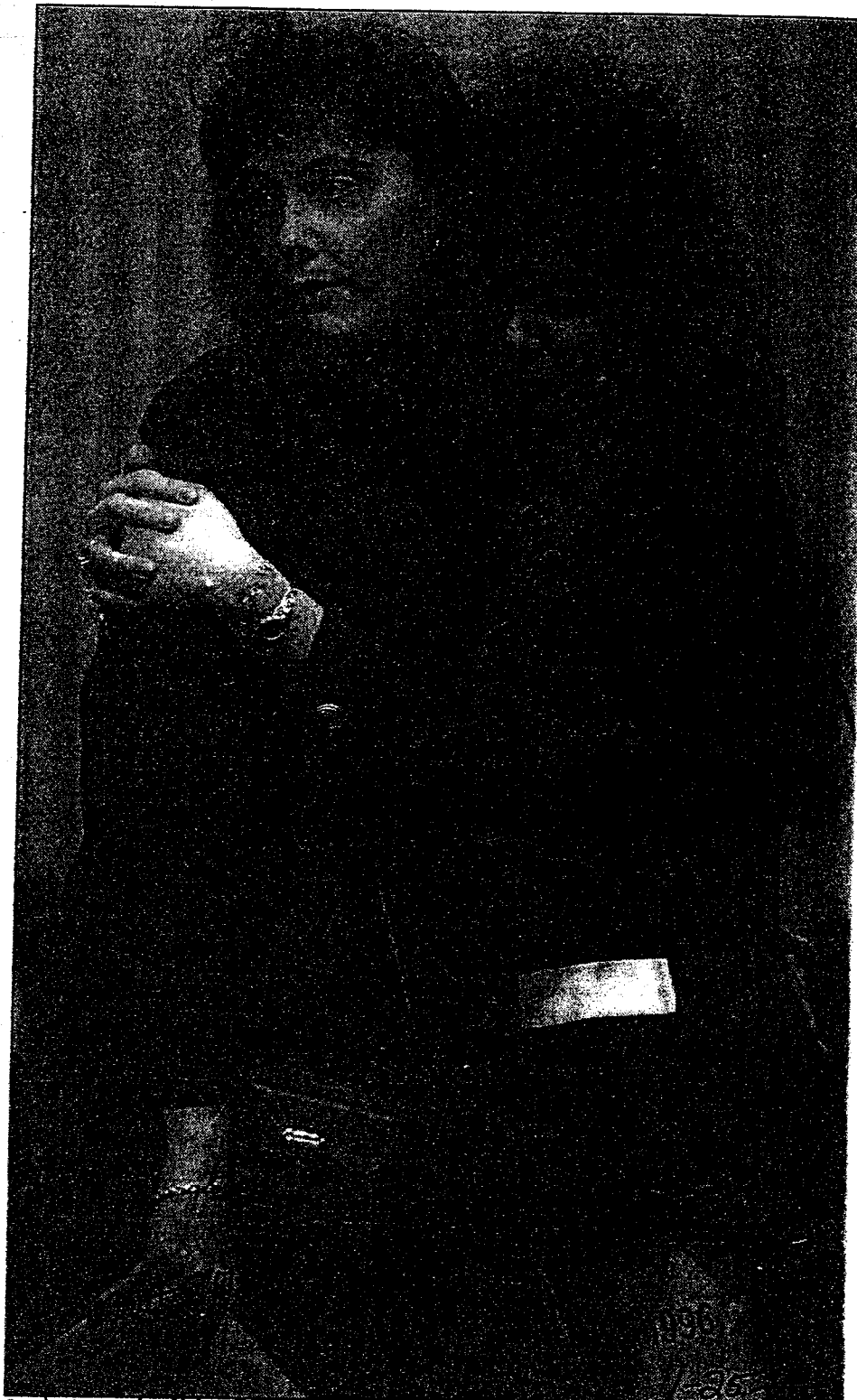
Taylor's affair with former Richmond City Councilman Chuck Richardson, and their videotaped arrest as they prepared to inject heroin at a friend-turned-informer's apartment, was thoroughly chronicled under the spotlight of television and newspapers.

Taylor, a 25-year-old Norfolk native, lost her job as assistant manager at a Cato's department store the day after her employer read in a newspaper that she pleaded guilty to possessing heroin and cocaine.

But she was all smiles as she left the Henrico County courthouse yesterday, happy to have received an eight-year sentence, suspended for 10 years, on the two charges.

"I am very relieved that this part of my life has ended — the wreckage," she said. "I am grateful that I am able to walk out of here and go home and resume my recovery."

In a jail interview three days after her Sept. 17 arrest, Taylor told The Times-Dispatch that she fell in love with Richardson after meeting him in a drug rehab program in July 1994. Although he is married, they had been dating since then. They were staying together at a downtown hotel when they were caught in a sting operation aimed at Richardson, an 18-year council veteran

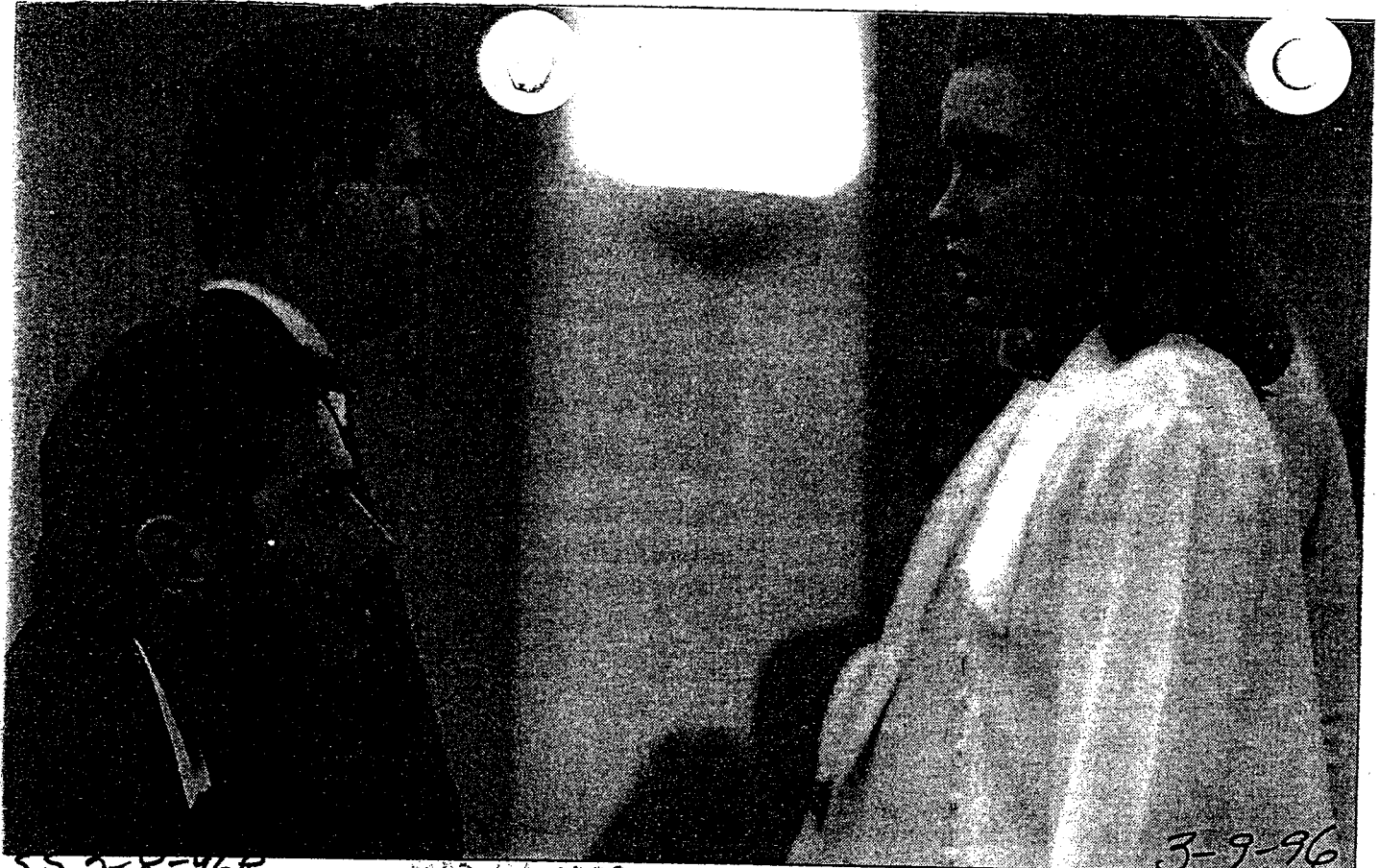


STUART T. WAGNER/TIMES-DISPATCH

PLEASE SEE TAYLOR. PAGE B7 ►

NO MORE JAIL. Tammie L. Taylor gets a hug from her sister, Keyyn, after she received a suspended sentence on drug charges yesterday.

SW 1-24-96 P



33 3-8-96P

MED 118 1096

3-9-96
STEPHEN SALPUKAS/TIMES-DISPATCH

DAY IN COURT. Denise Ardery (right) is on trial for a fatal shooting in October. Seated on the left is her father, Alex.

Girl pleads guilty in mom's death



33 3-8-96P 3-8-96

GUILTY. Wendy Poarch admitted yesterday that she shot her mother to death.

15-year-old's parent fatally shot in October

BY STACY HAWKINS ADAMS
TIMES-DISPATCH STAFF WRITER

In a trembling, barely audible voice and at times sucking her thumb, a 15-year-old Chesterfield County girl pleaded guilty yesterday to shooting her mother to death.

Late last night, her friend and alleged accomplice awaited a jury verdict to determine her guilt or innocence in the woman's slaying.

Wendy Dey Poarch, a former 10th grader at L.C. Bird High School, offered no insight

Oct. 13 and shot her mother in the chest. Mary Ann Alexander, 38, died a short time later.

After her trial yesterday in Chesterfield Circuit Court, Poarch's attorney, Keith Marcus, said some details may be revealed when she is sentenced in June.

Poarch, who was 14 at the time of the shooting, was tried as an adult. When she is sentenced, she faces 20 years to life in prison for first-degree murder and three

Corp. chief pleads guilty

more than \$1 million

JUN 02 1995

Association of Pediatric Oncology Nurses

in August 1993 to November 1994 and 00,000 from the American Society of Post-anesthesia Nurses between July 1993 and November 1994.

The grand larceny charge stems from the theft of \$146,539 from the American Urological Association of Virginia Beach from May 1993 to November 1994.

Wilhoit's attorney, Edward Barnes, said Wilhoit made the decision to plead guilty some time ago, "even before the last [scheduled] court appearance. He's very remorseful about it." He admitted his culpability [yesterday].

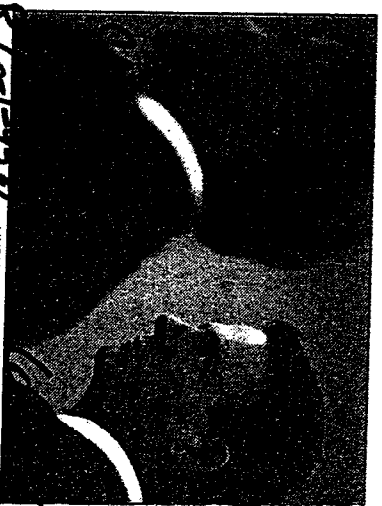
Wilhoit was not arraigned yesterday on a third charge of embezzlement regarding \$200,000 taken from Phenix.

"The evidence would have shown that Phenix was not making any money," said Assistant Commonwealth's Attorney Kenneth E. Nickels. "[Wilhoit] was taking the money to keep Phenix going. The largest portion went to meet Phenix's payroll and its bills."

Wilhoit and Carolyn Yowell founded the corporation in 1987. It handled the financial and administrative affairs of about 20 nonprofit medical organizations.

Because of losses caused by the theft, Phenix filed for bankruptcy and closed in early December. Yowell has since moved to North

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IN CUSTODY. Jerry Lynn Wilhoit (right) stood with his attorney, Edward Barnes, while pleading guilty to embezzling.

Mistrial declared in deaths

MAY 13 1995

BY DEBORAH KELLY

TIMES-DISPATCH STAFF WRITER

A Henrico Circuit Court jury deliberated more than six hours yesterday before announcing they could not reach a verdict in the capital murder trial of Paul L. Peyton Jr.

Judge George F. Tidey declared a mistrial around 4:15 p.m. The case was tentatively rescheduled for another jury trial on July 10.

Defense lawyer Joseph D. Morrissey asked that Peyton's \$750,000 bond be reduced to \$25,000, saying the jury's unwillingness to find Peyton guilty "demonstrated there is clearly doubt about whether he committed the crime."

Tidey refused the request even before Commonwealth's Attorney Toby Vick had a chance to argue against it. "I think under the circumstances the bond is appropriate," the judge said.



Peyton

Peyton, 19, is charged with robbery, two counts of capital murder, and three firearms counts in the shooting deaths of Terry E. Smith, 18, and Angela D. Breeden, 19.

Smith left home at age 17 and dropped out of Virginia Randolph Special Education Center in Henrico County. Breeden was a 1993 Highland Springs High School graduate.

Both were shot in the head at point-blank range early on as they sat in the front seat of Smith's car in the block of North Washington Street in Highland Springs. Prosecutors said Smith was a small-time marijuana dealer and Peyton was a regular customer who knew Smith often carried several hundred dollars with him. Breeden was simply with Smith at the worst possi-

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